IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: - 21.06.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice V.DHANAPALAN

Habeas Corpus Petition No.311 of 2006

Saroja ... Petitioner

vs.

1. The District Collector
& District Magistrate,
Tiruvannamalai District,
Tiruvannamalai.

2. The Secretary to Government,
Prohibition & Excise Department,
St. George Fort, Chennai-600 009. ... Respondents

Petition under Article 226 of the Constitution of India for the issuance of Writ of Habeas Corpus to call for the records of the first respondent in D.O. No.10/2006-C2 dated 15.02.2006, quash the same and direct the respondents to produce the petitioner's son Ravikumar, aged 21 years, now detained in Central Prison, Vellore, before this Court and set him at liberty.

For Petitioner : Mr.A.E.Lakshmi Narayanan

For Respondents : Mr. M.Babu Muthu Meeran,
Addl. Public Prosecutor.

O R D E R

(Order of the Court was made by P.SATHASIVAM, J.)

The petitioner challenges the detention order, dated 15.02.2006, detaining her son by name Ravikumar as 'Bootlegger' as contemplated under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Slum Grabbers and Video Pirates Act, 1982 (Tamil Nadu Act 14 of 1982).

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2. Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the respondents.

3. At the foremost, learned counsel for the petitioner submitted that there was inordinate delay in disposal of the representation of the detenu.

The particulars furnished by the learned Additional Public Prosecutor show that the representation of the detenu was received by the Government on 24.03.2006, remarks were called for on 27.03.2006 and the same were received from the Sponsoring Authority on 30.03.2006. Thereafter, File was dealt with by the Under Secretary and Deputy Secretary on 31.03.2006. Finally, the Minister for Prohibition and Excise passed orders on 03.04.2006. However, the rejection letter was prepared only on 10.04.2006. The said letter was sent to the Central Prison for service on 12.04.2006 and served to the detenu on 16.04.2006.

4. As rightly pointed out by the learned counsel for the petitioner, though the competent authority, viz., Minister for Prohibition and Excise, passed orders on 03.04.2006, there is no reason for taking time till 10.04.2006 for preparation of the rejection letter. In the absence of proper explanation, even if we exclude the intervening holidays on Saturday and Sunday, we hold that the delay is on the higher side, which caused prejudice to the detenu in considering his representation effectively. On this ground, the impugned order of detention is quashed.

5. Accordingly, the Habeas Corpus Petition is allowed and the impugned order of detention is set aside. The detenu is directed to be set at liberty forthwith from the custody unless he is required in some other case or cause.

JI.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

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To

1. The Secretary to Government, Prohibition and Excise Department,
   Fort St. George, Chennai 600 009.
2. The District Magistrate & Dt.Collector, Tiruvannamalai.
3. The Superintendent, Central Prison, Vellore.
   (In duplicate for communication to detenu)
4. The Joint Secretary to Government, Public (Law and Order)
   Fort St. George, Chennai-9.
5. The Public Prosecutor, High Court, Madras.

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HCP. No.311 of 2006

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